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SUBJECT: HONOR CRIMES IN JORDAN ON THE AGENDA

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SUMMARY

11. (U) Press reports have highlighted recent "honor killings," the reduction of a stiff sentence against one perpetrator, and the rejection by the Lower House of the Jordanian Parliament of amendments to the "honor crimes law."

However, honor crimes are both a complex issue and a deeply-rooted practice that are being addressed in both the political and the societal realms. Given the broad acceptance of the principle in some instances of honor crimes -- including ostensibly by many women -- ending the practice will require not only legal changes, but cultural ones as well. END SUMMARY.

A DOUBLE AX MURDER DRAWS WORLD ATTENTION

12. (U) Honor crimes, the killing to preserve family honor of female relatives who have allegedly engaged in "immoral acts," have garnered attention inside and outside Jordan in recent weeks. In a story that made international headlines and led to a September 12 Department condemnation, on September 8 three brothers allegedly attacked their two sisters with an ax, hacking both to death. According to press reports, the older victim, age 27, left home to marry without her family's consent two years previously and lived with her husband and infant son. The younger victim, age 20, moved into her sister's apartment a few months before the killings. After being informed of their sisters, whereabouts, the brothers confessed to authorities that they acted to "cleanse the family's honor," according to the press. According to women's activists and press reports, these deaths brought the total number of honor killings in Jordan to 12 for the year.

13. (U) In many ways more disturbing, on September 11 a lower court released a man convicted last year of killing his sister in a 2001 crime of honor. The same court had originally sentenced the man to ten years in prison, but, on appeal, the Court of Cassation instructed the lower court to consider a punishment "more fitting the nature of the crime."

As he was drunk at the time of the killing and the victim had made & harsh and vulgar statements to her brother,⁸ the Court of Cassation found that & the crime did not fall under the premeditated murder charge category.⁸ The lower court then sentenced the man to six months and released him immediately since he had already spent ten months in custody.

TWO CONTROVERSIAL AND MISUNDERSTOOD LAWS

14. (U) Article 340 of the Penal Code, dubbed the &honor crime law,⁸ exempts from penalty men who kill female relatives they discover in the act of extramarital sexual relations. The government promulgated a temporary law in December 2001 which amended the code by a) more closely defining the circumstances under which a man could benefit from the law, and b) providing equal protection to women. The media, reflecting the general lack of understanding of the law, have published a number of misleading or factually incorrect articles. Examples include that the temporary law abolished Article 340 or that amendments to Article 340 are inaccurately called "honor crime legislation."

15. (SBU) Despite the debate over Article 340, this section (and even the temporary law that amends it) are of limited applicability since they require the perpetrator to discover the victim in the act -- a rare occurrence. Activists tell us that this provision has only been applied twice in Jordan's history and once in the last 40 years. However, Article 98 -- which permits judges to reduce sentences based on certain defined extenuating circumstances -- is frequently used to reduce the sentences of convicted murderers in honor crimes cases. It also precludes killers from being convicted of premeditated murder, with the resultant maximum penalty of death, if they are found by a court to have acted in a "fit of fury," similar to a temporary insanity defense. Further, families of the victims (usually also the family of the perpetrator) often do not file murder charges, either because they agree that the victim had hurt the family's honor, or

because the male perpetrator is a chief economic provider for the family. Without charges from the family of the victim, potential penalties are further reduced.

PARLIAMENT SPLIT ON REPEALING HONOR CRIME LAW

¶16. (C) The temporary law amending Article 340, promulgated by the GOJ with the encouragement of the Hashemite Family, was brought before Parliament in August for ratification. It was quickly dismissed by a large majority of the Lower House and sent to the appointed, more pro-government and more malleable Senate. After some minor changes, the Senate approved the amendments and returned the law to the Lower House, which rejected it a second time on September 7 by a vote of 50 to 39. Under the constitution, if the Senate passes the temporary law for a second time, the two houses must meet in conference to resolve the issue. The temporary law remains in force until the full Parliament takes final action on it. Senate President Raid Rifai insinuated to visiting U.S. Senator Lincoln Chafee several weeks ago that, if the Lower House rejected the law a second time, the temporary law might get lost in his in-box and not be considered again by the Senate, assuring that it would remain indefinitely on the books as a "temporary law."

¶17. (C) While some of the deputies voting against the temporary law have serious objections to it, there were also procedural reasons for the lower house's rejection (a cause for criticism of the Prime Minister by, among others, the King, who told us he had assumed wrongly that the government had lined up the votes needed for passage). According to female deputy Nariman Roussan (Irbid), the deputies were not given sufficient time to study the law before it was brought to a vote in early August, nor were they given notice of which temporary laws would be discussed first. Without a clear understanding of the law, many deputies apparently chose to vote with the opposition. At least two other temporary laws on emotionally-charged issues -- the ability of women to sue for divorce and raising the age for marriage to 18 from 15 for women and 16 for men -- were also rejected at the same time. Another commonly-heard explanation for the vote is that many deputies oppose in principle adoption of the more than 200 temporary laws promulgated in their absence, and expressed their displeasure with the two-year absence of parliament by rejecting a law that they felt had little public support.

¶18. (U) As has been reported in past Human Rights Reports, honor crimes are not a new phenomenon and are not restricted to a particular religion. The reported number has fluctuated between 14 and 21 annually since 2000, though activists believe many more go unreported. Human Rights Watch estimates that 25-30 women are victims each year. One measure the GOJ has undertaken to shield potential victims is to place them in protective custody, i.e. to put them in women's prisons where their families will not have access to them. In recent years, the estimated number of women in such custody has ranged from 25 to 40.

¶19. (C) According to Rana Husseini, a reporter for the Jordan Times and activist on honor crimes issues, extensive press coverage of this previously taboo subject began only in 1994 in the Jordan Times. While the crimes are now widely reported in the more influential Arabic papers, articles typically do not mention the victims, or perpetrators, names and rarely follow a story through from commission of the crime to final verdict. From Husseini's perspective, these papers "fail to do adequate reporting about the crime itself and court verdicts. They do tackle the issue from a social but shy perspective."

¶10. (C) Disclosure of extramarital sexual relations is a source of extreme shame within the culture, particularly among relatives of involved females, and the act itself is regarded as reprehensible. Combined with the societal focus on the centrality of families and the importance of maintaining a good reputation, these factors result in broad acceptance of the principle behind Article 340 by Jordanians, including many women. MP Roussan, who voted against the temporary law the first time (and missed the second vote), stated that, while she does not support honor killings based merely on rumor or suspicion, she would support lighter punishment for those who kill women caught in the act, if they do it in the "heat of the moment." "If I caught my own daughter in bed with a man, I might become so angry I would kill her myself," she stated as she explained the extreme shame such an act would bring upon her and other family members.

¶11. (C) Women's groups recognize the deeply ingrained and widespread acceptance of the practice, and appear to be trying to work within the system to encourage change. However, they acknowledge that it will take time. According to Amal Sabbagh, Secretary General of the Jordanian National Commission for Women, this is why the Commission's awareness

campaign on honor crimes is now focused on the general public, as opposed to pushing for legislative changes through the Parliament. She stressed that strong U.S. condemnation, while appreciated, actually hurts the cause of battling honor crimes since it is perceived by many in Jordan as ethical or cultural imperialism imposed by the West. She noted that many Jordanians were surprised by the recent U.S. statement about the killing of the two sisters, which was widely reported on in Jordanian papers.

COMMENT

¶12. (U) The repeal of Article 340 by the Parliament would be a significant moral victory for the Hashemite Family, government, and anti-honor crime activists, but would have little impact on the sentencing of honor criminals. Prime Minister Abul Ragheb suggested to the Ambassador last year that a more effective and less controversial remedy would be to place a minimum sentence of 5-7 years on all murder convictions. With the assurance of a significant amount of prison time, perpetrators might think twice before committing such crimes. As women's activists here argue, however, honor crimes will not be eliminated until societal attitudes evolve
HALE